

CERTIFIED COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

4 RELIGIOUS TECHNOLOGY CENTER,)
5 A California Non-Profit Religious)
Corporation; CHURCH OF SCIENTOLOGY)
INTERNATIONAL, A California)
6 Non-Profit Religious Corporation;)
And CHURCH OF SCIENTOLOGY OF)
7 CALIFORNIA, A California Non-Profit) Religious Corporation,)
8)
Plaintiffs,)
9)
vs.) No. BC 033035
10)
JOSEPH A. YANNY, an individual, and)
11 JOSEPH A. YANNY, a Professional Law)
Corporation,)
12)
Defendants.)
13 -----)
14
15 VOLUME 2
16 DEPOSITION OF
17 GERALD ARMSTRONG
18 SAN FRANCISCO, CALIFORNIA
19 February 6, 1992
20
21 ATKINSON-BAKER AND ASSOCIATES, INC.
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3 - - -

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INTERNATIONAL, A California)
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And CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, A California Non-Profit)
Religious Corporation,)

8 Plaintiffs,)

9 vs.)

10) No. BC 033035
11 JOSEPH A. YANNY, an individual, and)
12 JOSEPH A. YANNY, a Professional Law)
Corporation,)

12 Defendants.)

13 -----)

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Deposition of Gerald Armstrong, taken on
behalf of the Plaintiffs, at 601 California Street,
Suite 1900, San Francisco, California, commencing at
10:00 a.m., Thursday, February 6, 1992, before
Sheenagh M. Carlson, CSR #8350.

25

A P P E A R A N C E S

FOR THE PLAINTIFF
CHURCH OF SCIENTOLOGY OF CALIFORNIA:
BOWLES & MOXON
BY: KENDRICK L. MOXON, ESQ
6255 Sunset Boulevard
Suite 2000
Hollywood, California 90028

FOR THE DEFENDANT:
LEWIS, D'AMATO, BRISBOIS & BISGAARD
BY: GRAHAM E. BERRY, ESQ.
221 North Figueroa Street
Suite 1200
Los Angeles, California 90012

FOR THE WITNESS:
FORD GREENE
Attorney at Law
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949

Also Present: Laurie J. Bartilson, Esq.

Matt Ward, Paralegal

1	I N D E X		
2	WITNESS: GERALD ARMSTRONG		
3	EXAMINATION	PAGE	
4	BY MR. MOXON		235
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6	EXHIBITS:		
7	NUMBER	PLAINTIFFS' DESCRIPTION	PAGE
8	(None marked)		
9			
10	INFORMATION TO BE SUPPLIED:		
11	(None)		
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1 GERALD ARMSTRONG,
2 having been duly sworn, was
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. MOXON:

6 Q. Mr. Armstrong, at your last
7 deposition there were a number of questions that you
8 declined to answer. You recognize a Motion to
9 Compel was made and agreed to by Judge Cardenas
10 requiring you to answer those questions as set forth
11 in the statement of questions?

12 A. Okay.

13 Q. The answers is yes, you recognize
14 that?

15 A. Something to that effect.

16 Q. You indicated at your last deposition
17 that your church or your religion didn't have any
18 name. Is that still the case?

19 A. Correct.

20 Q. And is there anything that you call
21 it?

22 A. The Church.

23 Q. Are there any ministers of that
24 church?

25 A. Yes.

1 Q. Who are they?

2 A. I decline to answer that.

3 MR. GREENE: I'll interpose an objection
4 there based on the right of privacy, personal and
5 associational, under the First Amendment.

6 BY MR. MOXON:

7 Q. Are you a minister of the church?

8 MR. GREENE: Objection, asked and answered.
9 During the course of his prior deposition he
10 indicated that he was.

11 BY MR. MOXON:

12 Q. Are you a minister of the church?

13 MR. GREENE: I instruct you not to answer.
14 It's been asked and answered.

15 MR. MOXON: You're mistaken, Mr. Greene.
16 Show me.

17 MR. GREENE: I don't have to show you.

18 MR. MOXON: That's because it's not there.

19 Mr. Greene, there was, as I mentioned to the witness
20 at the outset of the Motion to Compel, which was
21 granted and the witness did not say he was a
22 minister, he said he was a shaman or something like
23 that.

24 MR. GREENE: That's fine.

25 BY MR. MOXON:

1 Q. Are you a minister of the church?

2 A. Yes.

3 Q. How long have you been a minister of
4 the church?

5 A. Since 1986.

6 Q. Now, at your last deposition you said
7 you weren't a minister. Was that -- do you want to
8 correct that prior testimony or --

9 A. I'd like to correct your prior
10 testimony, yes.

11 Q. Okay. So you claim now you were a
12 minister since '86?

13 A. You would have to show me where I
14 ever said that.

15 Q. The bottom line is that you claim now
16 that you were in fact someone called a minister of
17 your church since 1986; is that right?

18 A. I do not use the term minister.

19 Q. Okay. So you're not a minister and
20 you never were?

21 MR. GREENE: Objection vague and ambiguous.
22 What is a minister?

23 BY MR. MOXON:

24 Q. You never called yourself a minister,
25 is that correct, of your church?

1 A. No, I have called myself a minister.
2 Q. In what fashion did you call yourself
3 a minister?

4 A. In answer to your question just a
5 moment ago am I a minister, yes I'm a minister.

6 Q. Is that the first time you ever
7 called yourself a minister of the church?

8 A. It may be the first time I ever used
9 that word. I understand the word, I perform that
10 function.

11 Q. Well, what's your function?

12 MR. GREENE: Objection, vague and ambiguous.

13 MR. MOXON: It's the witnesses term,
14 Mr. Greene, function.

15 MR. GREENE: Do you mean what is his
16 function as a minister or what is his function
17 generically?

18 BY MR. MOXON:

19 Q. What is your function in your church?

20 A. Forgiveness.

21 Q. Forgiveness is not a function.

22 MR. GREENE: Objection as badgering the
23 witness.

24 BY MR. MOXON:

25 Q. Is that the sole and complete answer?

1 That's the only thing that you would consider to be
2 your function in your church?

3 A. Yes.

4 MR. GREENE: Objection, compound.

5 MR. MOXON: Let me finish the question, okay
6 Mr. Greene? Then you can make any objections you
7 like. We'll do it that way.

8 Q. You assert that the sole function you
9 have in your church is, quote, forgiveness, end
10 quote?

· 11 A. Yes.

12 Q. How do you perform that function?

13 MR. GREENE: Objection, irrelevant, not
14 likely to lead to the discovery of admissible
15 evidence.

16 MR. BERRY: Join.

17 BY MR. MOXON:

18 Q. Answer?

19 A. The technical answer is that through
20 the recognition to that which needs to be forgiven
21 never happened.

22 Q. Is that just something that you do in
23 your own mind or do you communicate that to someone
24 who's being forgiven?

25 MR. GREENE: Objection, First Amendment,

1 religious liberty.

2 THE WITNESS: You would have to understand.
3 You would have to define for me what you mean by
4 "your own mind" and what you mean by someone else.

5 BY MR. MOXON:

6 Q. Your own mind is something that you
7 think. Someone else is someone other than yourself.

8 A. Those are definitions which are
9 inaccurate and I do not agree with them, so
10 therefore you're question is meaningless.

11 Q. Why don't you explain it to me, then,
12 how you perform the forgiveness function?

13 A. I have just told you.

14 MR. GREENE: I want to object also on the
15 basis of privacy.

16 MR. BERRY: And relevancy.

17 MR. GREENE: And relevancy.

18 BY MR. MOXON:

19 Q. As I understand your answer, you
20 recognize your forgiveness function is performed by
21 a recognition by someone that the act for which
22 you're giving forgiveness never actually happened,
23 is that an accurate representation of --

24 A. Pretty good.

25 Q. -- how it works? And who makes that

1 recognition, yourself?

2 MR. GREENE: Objection. That's been asked
3 and answered.

4 MR. BERRY: Relevancy.

5 MR. GREENE: Additionally, relevancy.

6 THE WITNESS: When I'm called upon to do
7 that, I do it.

8 BY MR. MOXON:

9 Q. Has anyone ever called upon you to do
10 that?

11 A. Yes.

12 Q. Who?

13 MR. GREENE: Objection, instruct the witness
14 not to answer. Invasion of privacy, invasion of
15 First Amendment, religious liberty, invasion of
16 priest-penitent privilege.

17 BY MR. MOXON:

18 Q. Answer?

19 MR. GREENE: Don't answer.

20 BY MR. MOXON:

21 Q. Answer?

22 MR. GREENE: Additionally, it's entirely
23 irrelevant to these proceedings. Not calculated to
24 lead to the discovery of admissible evidence.

25 MR. MOXON: Well, there is no such person,

1 Mr. Greene. This whole thing is a sham, so I'd like
2 to find out if there is any other person --

3 THE WITNESS: I'm taking a break. You sort
4 it out with that creep across the table.

5 (Witness leaves the deposition room.)

6 MR. MOXON: I guess we're on break.

7 MR. GREENE: Off the record.

8 (Short discussion was held off the record.)

9 MR. MOXON: Would you read back the pending
10 question?

11 MR. GREENE: There is an instruction to it.
12 There's no point. Mr. Armstrong is not going to go
13 in and start disclosing the members of his church
14 and substance of conversations which he has had with
15 individuals in that church.

16 MR. MOXON: I didn't ask for the substance
17 of any conversation.

18 Q. Why do you refuse to answer that
19 question, Mr. Armstrong?

20 A. What was it?

21 MR. BERRY: I think he's been instructed not
22 to answer it.

23 MR. MOXON: I'll re-ask it.

24 Q. To whom did you allegedly give
25 forgiveness as a minister?

1 A. That's wasn't the question.

2 MR. MOXON: All right, let's go read it back
3 then.

4 (Whereupon, the record was read.)

5 BY MR. MOXON:

6 Q. Who was called upon to give
7 forgiveness?

8 MR. GREENE: Instruct him not to answer
9 based on the reasons previously stated.

10 MR. MOXON: I just need an answer for the
11 record.

12 Q. Answer or say if you refuse to
13 answer, one or the other, Mr. Armstrong.

14 MR. BERRY: He could follow the advice of
15 counsel.

16 MR. MOXON: He could. I don't know if he is
17 going to or not.

18 Q. Can I have an answer please?

19 A. No.

20 Q. You refuse to answer?

21 A. Right.

22 Q. Is Bent Corydon a member of your
23 church?

24 MR. GREENE: Same objection. First
25 Amendment, religious liberty, associational,

1 privacy.

2 BY MR. MOXON:

3 Q. Answer?

4 MS. BARTILSON: That one was directly one of
5 the questions that was ordered by Judge Cardenas for
6 Mr. Armstrong to answer in our Motion to Compel.

7 THE WITNESS: I don't recall Judge Cardenas
8 say anything about Bent Corydon.

9 MS. BARTILSON: It's all in the motion.

10 MR. MOXON: Let's confer.

11 MR. GREENE: Yes, he did. Same objection
12 but you can answer the question.

13 THE WITNESS: Yes.

14 BY MR. MOXON:

15 Q. When did Bent Corydon become a member
16 of your church?

17 MR. GREENE: Same objections.

18 THE WITNESS: I'm not going to answer that.

19 BY MR. MOXON:

20 Q. How did Bent Corydon become a member
21 of your church?

22 MR. GREENE: Same objections.

23 THE WITNESS: I'm not going to answer that.

24 BY MR. MOXON:

25 Q. Did he ask to be a member?

1 MR. GREENE: Same objections.

2 THE WITNESS: I'm not going to answer.

3 BY MR. MOXON:

4 Q. Does he know he was a member?

5 MR. GREENE: Calls for speculation.

6 MR. BERRY: Join.

7 BY MR. MOXON:

8 Q. Answer?

9 A. (No audible response.)

10 MR. MOXON: For the record, I've been
11 waiting for over a minute for an answer to the
12 question.

13 THE WITNESS: And I'm trying to figure out
14 what you want to know.

15 Q. Does Bent Corydon know whether or not
16 he's a member of your church?

17 MR. GREENE: Objection, calls for
18 speculation.

19 THE WITNESS: Yes.

20 BY MR. MOXON:

21 Q. How do you know he knows?

22 A. Without waiving any priest-penitent
23 privilege between us because of communications I
24 have had with Bent Corydon.

25 Q. When did you have such

1 communications?

2 A. I won't answer that.

3 MR. GREENE: Objection, First Amendment,
4 religious liberty, privacy, priest penitent.

5 BY MR. MOXON:

6 Q. Are you claiming a priest penitent
7 relationship with Bent Corydon?

8 MR. GREENE: Objection, calls for legal
9 conclusion.

10 MR. MOXON: You made the objection,
11 Mr. Greene.

12 MR. GREENE: Fine.

13 BY MR. MOXON:

14 Q. Are you claiming a priest penitent
15 relationship with Bent Corydon, Mr. Armstrong?

16 MR. GREENE: Same objection.

17 MR. BERRY: Join.

18 THE WITNESS: Yes.

19 BY MR. MOXON:

20 Q. Who's the priest?

21 MR. GREENE: Objection to the extent that it
22 calls for a legal conclusion. You can answer the
23 question.

24 THE WITNESS: We both are.

25 BY MR. MOXON:

1 Q. Who's the penitent?

2 A. We both are.

3 MR. GREENE: Same objection.

4 BY MR. MOXON:

5 Q. Are you a member of Corydon's church?

6 MR. GREENE: Objection, no foundation.

7 MR. BERRY: Relevancy.

8 MR. GREENE: Join.

9 THE WITNESS: Yes.

10 BY MR. MOXON:

11 Q. When did Corydon become a member of
12 your church?

13 MR. GREENE: Asked and answered.

14 MS. BARTILSON: Asked and answered? Not
15 answered.

16 MR. BERRY: Relevancy.

17 BY MR. MOXON:

18 Q. Answer?

19 MR. GREENE: Join.

20 THE WITNESS: I won't answer.

21 BY MR. MOXON:

22 Q. Did you ask Corydon to become a
23 member of your church?

24 MR. GREENE: Same objections. Actually, at
25 this point that's starting to get into the substance

1 of the relationship between Armstrong and Corydon
2 and so that starts to extend beyond what is
3 foundational.

4 BY MR. MOXON:

5 Q. Answer?

6 MR. GREENE: If you don't want to answer the
7 question, don't.

8 THE WITNESS: I won't answer.

9 BY MR. MOXON:

10 Q. Was it before your last deposition --

11 MR. GREENE: Same objection.

12 BY MR. MOXON:

13 Q. -- in this case?

14 A. I've told you that I will not answer
15 that question.

16 Q. Did you talk to Joe Yanny about
17 whether or not Corydon should be a member of your
18 church?

19 A. My communications with Mr. Yanny
20 regarding such matters are privileged and I will not
21 answer that question.

22 Q. What privilege?

23 A. Priest-penitent privilege.

24 Q. Who's the priest?

25 MR. BERRY: Also possible work product.

1 MR. GREENE: Join.

2 BY MR. MOXON:

3 Q. Who's the priest?

4 A. In that paradigm we both are.

5 Q. Your relationship with Yanny, you
6 both are?

7 A. Right.

8 Q. Yanny is a priest, too?

9 A. Yanny is a priest.

10 Q. What religion?

11 A. I've explained it to you before, but
12 I --

13 MR. GREENE: Wait a minute, wait.

14 Objection. That's --

15 MR. MOXON: What --

16 MR. GREENE: Objection. The question is
17 argumentative.

18 BY MR. MOXON:

19 Q. What religion?

20 MR. BERRY: Objection, relevancy. First
21 Amendment.

22 BY MR. MOXON:

23 Q. What religion?

24 A. The church.

25 Q. The one that you -- the one that you

1 created?

2 A. The church. I've given you how it's
3 referred to previously.

4 Q. Who's the penitent in your
5 relationship with Yanny?

6 MR. BERRY: Objection, calls for privileged
7 communication.

8 THE WITNESS: We both are.

9 BY MR. MOXON:

10 Q. Do you have a list of members of your
11 church?

12 A. I will not answer that.

13 Q. You refuse?

14 A. Yes.

15 Q. Is there any membership criteria for
16 your church?

17 A. I --

18 MR. GREENE: Objection, that's been asked
19 and answered at the last deposition.

20 BY MR. MOXON:

21 Q. Answer?

22 MR. GREENE: The answer was if anybody asked
23 or desired to be a member, they could.

24 MR. BERRY: Also relevancy.

25 BY MR. MOXON:

1 Q. Are you going to adopt what
2 Mr. Greene just said?

3 A. That's fine.

4 Q. Is that accurate?

5 A. I will repeat one more time so that
6 you fully understand.

7 Q. I'd like to fully understand.

8 A. The church has a belief, the church
9 has a corollary and there's the obvious.

10 Q. Is there any --

11 A. The belief is --

12 Q. Excuse me.

13 A. -- that when members of the church
14 are present, God is present. Corollary thereto, and
15 I'm certain that you have had this many, many times,
16 that therefore things that are said or done between
17 members of the church are sacred and the obvious is
18 that it always has been, is now and will ever be.

19 Q. Is there any membership criteria for
20 your church?

21 MR. BERRY: Objection asked and answered.

22 MR. GREENE: Objection of relevance.

23 BY MR. MOXON:

24 Q. Answer?

25 A. Members agree that that is the belief

1 of the church.

2 Q. Is there any membership criteria of
3 your church?

4 MR. GREENE: Objection, argumentative.

5 Asked and answered. Don't answer that question.

6 MR. MOXON: It's not responsive.

7 MR. GREENE: It was responsive. That's your
8 opinion. Don't answer the question. You gave your
9 answer, that's it.

10 BY MR. MOXON:

11 Q. You refuse to answer?

12 A. It has been answered.

13 MR. GREENE: I'm instructing you not to
14 answer the question.

15 BY MR. MOXON:

16 Q. What's the membership criteria of
17 your church?

18 MR. GREENE: Objection, that's asked and
19 answered.

20 MR. BERRY: Objection, relevancy.

21 BY MR. MOXON:

22 Q. Answer?

23 MR. GREENE: Argumentative.

24 BY MR. MOXON:

25 Q. And I need an answer. Are you

1 refusing to answer, Mr. Armstrong?

2 MR. BERRY: I think it would also be fair
3 for him to follow the advice of counsel.

4 MR. GREENE: When I instruct Mr. Armstrong
5 not to answer, that instruction stands. And we'll
6 deem it that he does refuse to answer unless he
7 disregards that. I would advise Mr. Armstrong not
8 to do that.

9 BY MR. MOXON:

10 Q. Answer?

11 A. What's the question?

12 Q. What is the membership criteria of
13 your church?

14 MR. GREENE: Objection. Relevancy, asked
15 and answered, argumentative.

16 THE WITNESS: Can you read back my last
17 answer to that question?

18 (Whereupon, the record was read.)

19 THE WITNESS: That's correct.

20 MR. GREENE: Answered.

21 BY MR. MOXON:

22 Q. The question was, Mr. Armstrong, what
23 is the membership criteria of your church?

24 MR. GREENE: Objection. It's asked and
25 answered. It's harassment. If you don't move on,

1 Counsel, we're going to leave. You can ask him
2 whether there are any other criteria. He gave you
3 the criteria. He said the criteria was the belief.

4 MR. MOXON: That's not responsive.

5 MR. GREENE: If you want to ask him
6 something else, ask him something else. That's what
7 he said. That's his response. Even if you don't
8 like his response.

9 MR. MOXON: He said there isn't any
10 criteria.

11 MR. GREENE: He said it's the belief.

12 BY MR. MOXON:

13 Q. I need a specific response.

14 A. And I would ask that you do not flip
15 me off when you're sitting across the table when the
16 court reporter cannot see it. Do it one more time,
17 I'll have to leave.

18 Q. What are you talking about?

19 A. That very subtle little way you stick
20 your finger in the air when you don't like the
21 answer.

22 Q. That's --

23 A. And I don't like it.

24 Q. That's an absolute falsehood.

25 A. You should know what you're doing

1 over there.

2 Q. Did he tell you to say that?

3 A. No, he didn't. I saw it.

4 Q. Did Mr. Greene tell you to say that?

5 MR. GREENE: Objection, attorney-client
6 privilege.

7 MR. MOXON: You're going to claim --

8 MR. GREENE: Do not answer that.

9 MR. MOXON: You claim privilege on that?
10 Priest penitent to that question?

11 MR. GREENE: Absolutely.

12 BY MR. MOXON:

13 Q. Did Mr. Greene tell you to say that?

14 A. Listen, it's not very subtle.

15 MR. GREENE: Objection, attorney-client
16 privilege.

17 BY MR. MOXON:

18 Q. Answer please?

19 MR. GREENE: The instruction is not to
20 answer. Just say I refuse to answer and let's move
21 on.

22 THE WITNESS: I refuse to answer.

23 BY MR. MOXON:

24 Q. What's the membership criteria of
25 your church?

1 A. (No audible response.)

2 Q. I just need an answer or refusal to
3 answer.

4 MR. GREENE: Objection, that's been asked
5 and answered.

6 MR. MOXON: Okay.

7 MR. GREENE: Don't answer.

8 MR. BERRY: And relevancy.

9 MR. GREENE: Don't answer the question.
10 Just tell him you refuse to answer that question.

11 THE WITNESS: I refuse to answer that
12 question.

13 BY MR. MOXON:

14 Q. When did --

15 A. Let me qualify that. Plus it's been
16 answered.

17 Q. When did Joseph Yanny allegedly
18 become a member of your church?

19 MR. BERRY: Objection calls for privileged
20 communication.

21 MR. GREENE: Join.

22 THE WITNESS: And in addition, it has been
23 answered in the previous deposition.

24 BY MR. MOXON:

25 Q. Answer?

1 A. No.

2 Q. You refuse?

3 A. Yes.

4 Q. Other than yourself and I guess
5 you've identified CORYDON and Yanny, are there other
6 person's who serve as priests of your church?

7 MR. BERRY: Objection, relevancy.

8 MR. GREENE: I join in that.

9 THE WITNESS: I note by the way that you --

10 MR. GREENE: Also, First Amendment, privacy.

11 THE WITNESS: That you use the term "priest"
12 in a very sarcastic manner. And I also have not
13 used the term priest. It is not the title that is
14 given to people in the church.

15 BY MR. MOXON:

16 Q. What is the title?

17 A. It fits within the priest penitent or
18 clergyman penitent paradigm.

19 Q. Are there any titles in your church
20 at all?

21 MR. BERRY: Objection, relevancy.

22 MR. GREENE: Join.

23 THE WITNESS: So within that paradigm, there
24 are other people who perform that function.

25 BY MR. MOXON:

1 Q. Are there any titles in your church
2 at all?

3 MR. BERRY: Same objection.

4 THE WITNESS: Yes.

5 BY MR. MOXON:

6 Q. What are they?

7 A. Belief, corollary, obvious.

8 Q. Are there any titles of any human
9 beings in your church, that any human beings hold?

10 MR. BERRY: Objection, relevancy.

11 THE WITNESS: There are many human beings.
12 A lot of them have titles. A lot of those people
13 with titles are members of the church.

14 BY MR. MOXON:

15 Q. What are the titles? Identify the
16 titles that are utilized in your church?

17 MR. GREENE: Objection, assumes facts not in
18 evidence.

19 MR. BERRY: Also relevancy.

20 BY MR. MOXON:

21 Q. If any?

22 MR. GREENE: Vague and ambiguous.

23 BY MR. MOXON:

24 Q. Answer?

25 A. What's your question?

1 Q. Identify any titles that are used in
2 your church?

3 MR. GREENE: Same objections.

4 MR. BERRY: Also vague and ambiguous.

5 THE WITNESS: The question is meaningless
6 and I cannot answer it.

7 BY MR. MOXON:

8 Q. There are no titles used in your
9 church?

10 A. That question is meaningless, as is
11 your sarcastic statement is likewise meaningless.

12 Q. Are there any titles used in your
13 church?

14 MR. BERRY: Objection ambiguous.

15 BY MR. MOXON:

16 Q. For people?

17 MR. BERRY: Relevancy.

18 THE WITNESS: People is a good one. There
19 are people in our church and that is a title which
20 is given. People, yes.

21 BY MR. MOXON:

22 Q. Are there any titles of any person
23 who holds any position in your church?

24 MR. BERRY: Objection.

25 MR. GREENE: Objection. Vague and

1 ambiguous, relevancy.

2 MR. BERRY: My objection was vague. Join.

3 THE WITNESS: Titles which may be used in
4 our church I feel are completely protected and I do
5 not care to hand them over to you to be ridiculed.
6 That is inappropriate for this place and it's
7 inappropriate for a court of law.

8 BY MR. MOXON:

9 Q. You refuse to answer?

10 A. It certainly is irrelevant as to the
11 Yanny case.

12 Q. You refuse to answer?

13 A. Yes.

14 Q. Has anyone in your church been
15 ordained?

16 MR. GREENE: Objection, vague, ambiguous, no
17 foundation.

18 MR. BERRY: Relevancy.

19 BY MR. MOXON:

20 Q. Answer?

21 A. What does "ordained" mean?

22 Q. It means they have been installed
23 with authority by the church to act as a minister or
24 like function?

25 A. The answer, then, is yes.

1 Q. By whom?

2 MR. BERRY: Objection, relevancy.

3 THE WITNESS: You just -- you answered that
4 with your own question.

5 BY MR. MOXON:

6 Q. Who has ordained them?

7 A. You answered that with your own
8 question.

9 Q. Who has ordained them?

10 A. You answered that with your own
11 question.

12 Do you want to read back the question
13 please?

14 Q. The question -- don't bother.

15 Questions don't answer questions, Mr. Armstrong. If
16 you feel that I -- a question that I've asked
17 answered it, I can appreciate that viewpoint.
18 Nevertheless, I need a response from you that is
19 responsive to my question.

20 Who has ordained them?

21 MR. BERRY: Objection, relevancy.

22 MR. GREENE: First Amendment, privacy.

23 BY MR. MOXON:

24 Q. Answer?

25 MR. BERRY: Ambiguous.

1 THE WITNESS: No, I refuse.

2 BY MR. MOXON:

3 Q. Is Mr. Wynne, Richard Wynne a member
4 of your church?

5 MR. BERRY: Objection relevancy.

6 BY MR. MOXON:

7 Q. Answer?

8 A. I cannot answer that question at this
9 time.

10 Q. Why?

11 A. I don't have the information with
12 which to answer it.

13 Q. Where is the information?

14 MR. BERRY: Objection, relevancy.

15 MR. GREENE: If you don't know, say that you
16 don't know.

17 THE WITNESS: I don't know.

18 BY MR. MOXON:

19 Q. Why not?

20 MR. GREENE: Objection. Come on, Counsel.
21 He says he didn't know. That's the answer to the
22 question. Why he doesn't know, how can he know why
23 he doesn't know something?

24 BY MR. MOXON:

25 Q. Why not?

1 MR. GREENE: That's badgering. That's
2 argumentative. Don't answer the question.

3 MR. BERRY: Join.

4 MS. BARTILSON: He doesn't know. If he's
5 instructed by counsel he doesn't know, I think he
6 should say it then. Simple answer to a simple
7 question.

8 BY MR. MOXON:

9 Q. You refuse to answer?

10 A. What's the question?

11 Q. Why not? You don't know whether or
12 not --

13 MR. GREENE: Vague, vague and ambiguous.

14 THE WITNESS: Because.

15 MR. BERRY: Argumentative.

16 BY MR. MOXON:

17 Q. Why don't you know whether or not
18 Mr. Wynne is member?

19 MR. GREENE: Same objections.

20 MR. BERRY: Join, including relevancy.

21 THE WITNESS: The question verges on the
22 moronic. Now I understand that you do this just to
23 taunt me, just to ridicule me, just to harass me.
24 But it is as stupid as me asking you why don't you
25 know if somebody is not a scientologist. How come

1 you don't know? It's ludicrous.

2 MR. GREENE: It also calls for speculation.

3 MR. BERRY: I think there's an instruction
4 not to answer.

5 MR. GREENE: There is an instruction not to
6 answer, so let's just move on.

7 BY MR. MOXON:

8 Q. Oh, you refuse to answer that? Well,
9 do you have a membership list that would tell you
10 whether or not Mr. Wynne is a member?

11 MR. BERRY: Asked and answered.

12 MR. GREENE: Join.

13 BY MR. MOXON:

14 Q. Answer?

15 A. I refuse.

16 Q. Do you know who the members of your
17 church are?

18 MR. BERRY: Asked and answered.

19 MR. GREENE: Join.

20 BY MR. MOXON:

21 Q. Answer?

22 A. I refuse.

23 MR. BERRY: Relevancy.

24 BY MR. MOXON:

25 Q. You don't have any building, any

1 church building?

2 MR. BERRY: Objection, relevancy.

3 THE WITNESS: I refuse to answer.

4 BY MR. MOXON:

5 Q. Have you ever had any priest-penitent
6 communications with Mr. Wynne?

7 MR. BERRY: Objection. Relevancy, calls for
8 privileged communication.

9 MR. GREENE: No foundation.

10 BY MR. MOXON:

11 Q. Answer?

12 A. I refuse.

13 Q. Is Vicki Aznaran a member of your
14 church?

15 MR. BERRY: Objection, relevancy.

16 MR. GREENE: Join.

17 MR. BERRY: Calls for privileged
18 communication.

19 BY MR. MOXON:

20 Q. Answer?

21 A. I refuse.

22 Q. How about Mr. Greene? Is he a member
23 of your church?

24 A. I refuse to answer.

25 Q. Do you consider me to be a member of

1 your church?

2 MR. BERRY: Objection, relevancy.

3 MR. GREENE: You can answer the question.

4 Let's move on here.

5 THE WITNESS: I don't believe so.

6 BY MR. MOXON:

7 Q. Is Judge Cardenas a member of your
8 church?

9 MR. BERRY: Objection, relevancy.

10 MR. GREENE: Yes, join. It's also can --
11 it's badgering the witness. Don't answer that
12 question, Mr. Armstrong. That's just badgering.

13 BY MR. MOXON:

14 Q. It's a yes or no question?

15 MR. GREENE: I don't care if it's yes or no.
16 It's badgering. Don't answer the question.

17 BY MR. MOXON:

18 Q. Answer?

19 MR. GREENE: Say, "I refuse to answer the
20 question." Let's move on.

21 THE WITNESS: It's mockery and I refuse.

22 BY MR. MOXON:

23 Q. Is Judge Breckenridge a member of
24 your church?

25 A. That is --

1 MR. BERRY: Relevancy.

2 MR. GREENE: Counsel, if you're going to
3 continue to badger the witness, we'll walk. All
4 right? This is ridiculous. Don't badger the
5 witness. Ask your questions. If they are
6 legitimate, that's fine. Otherwise, we're going to
7 walk.

8 MR. MOXON: Mr. Greene, calm down.

9 MR. GREENE: I'm not going to sit here --
10 no, I'm not going to calm down. I'm not going to
11 sit here while you badger my client.

12 MR. MOXON: The only badgering is your
13 ridiculous objections. I'm asking questions that
14 Judge Cardenas permitted me to ask and I'm trying to
15 find out what the scope is of this claim of
16 privilege.

17 MR. GREENE: Well, then let's keep it to
18 what you are entitled to do. There is -- you're not
19 entitled to ask ridiculous questions about whether
20 or not Judge Cardenas is a member of Armstrong's
21 church or Judge Breckenridge is a member of
22 Armstrong's church.

23 MR. MOXON: I --

24 MR. GREENE: And those, by their nature and
25 by the tone, they are badgering and I'm not going to

1 sit here while you badger Jerry Armstrong and
2 neither is he.

3 MR. MOXON: So, for the record, figure out
4 what you're going to do.

5 MR. GREENE: I told him not to answer. For
6 the record, I'll tell you again, don't answer
7 questions that are abusive and badgering.

8 MR. MOXON: So, for the record, you're not
9 going to answer this question, right?

10 THE WITNESS: Right.

11 BY MR. MOXON:

12 Q. Do you know the members of your
13 church?

14 MR. BERRY: Objection, asked and answered,
15 relevancy.

16 MR. GREENE: That's right. It is asked and
17 answered and it's also more badgering. Don't answer
18 that question. He's told you some of the members of
19 his church.

20 MS. BARTILSON: He hasn't answered. He
21 still hasn't answered.

22 BY MR. MOXON:

23 Q. Do you know who the members of your
24 church are, Mr. Armstrong?

25 MR. GREENE: Same objection. You can answer

1 that yes.

2 MR. BERRY: Join.

3 THE WITNESS: And I must answer it in the
4 same way that you would answer do you know the
5 members of your church? You don't. You can't.
6 It's an impossibility. You're asking a stupid
7 question. Let's move on.

8 MR. GREENE: Also, it calls for speculation.

9 BY MR. MOXON:

10 Q. The answer is no?

11 MR. BERRY: Mischaracterizes his answer.

12 THE WITNESS: Yes, it mischaracterizes.

13 MR. MOXON: All right.

14 MR. GREENE: Join.

15 BY MR. MOXON:

16 Q. Do you know who the members of your
17 church are? Yes or no you don't?

18 MR. GREENE: Calls for speculation.

19 MR. BERRY: Foundation, mischaracterizes his
20 testimony. It's argumentative.

21 BY MR. MOXON:

22 Q. Answer?

23 MR. GREENE: You can answer.

24 MR. BERRY: It's not relevant.

25 THE WITNESS: So the answer is I certainly

1 know some. I may not know them all.

2 MR. GREENE: Good answer.

3 BY MR. MOXON:

4 Q. So people could be members of your
5 church and not have any communication with you, is
6 that what you're saying?

7 MR. BERRY: Objection.

8 MR. GREENE: Objection, calls for
9 speculation.

10 MR. BERRY: It also mischaracterizes his
11 testimony.

12 MR. GREENE: Join.

13 MR. MOXON: I'll answer.

14 MS. BARTILSON: Let him answer the question.
15 It doesn't mischaracterize anything, it's a
16 question.

17 MR. GREENE: Calls for speculation.

18 MS. BARTILSON: Let him speculate.

19 THE WITNESS: Could be.

20 BY MR. MOXON:

21 Q. It could be that you don't know all
22 the members of your church? Who all the members of
23 your church are or -- excuse me?

24 A. It could be.

25 Q. It could be that you don't know

1 people who are members of your church; is that
2 right?

3 A. Correct.

4 MR. GREENE: Okay.

5 BY MR. MOXON:

6 Q. Okay. So I take it then you have no
7 membership list?

8 MR. BERRY: That mischaracterizes his
9 testimony.

10 MR. GREENE: Objection.

11 MR. BERRY: Relevance.

12 MR. GREENE: It's argumentative.

13 BY MR. MOXON:

14 Q. Answer?

15 A. I will not answer about membership
16 lists.

17 Q. What does someone have to do to
18 become a member of your church?

19 MR. BERRY: Objection, relevancy.

20 MR. GREENE: Asked and answered. It's just
21 a criteria question in a different form.

22 BY MR. MOXON:

23 Q. Answer?

24 MR. GREENE: Don't answer the question.

25 THE WITNESS: I have answered it. I refuse

1 to answer it again.

2 BY MR. MOXON:

3 Q. You're refusing to answer the
4 question?

5 MR. GREENE: Objection, that's asked and
6 answered. He just -- he just gave you his response.

7 BY MR. MOXON:

8 Q. I never received an answer to that
9 question. What does someone have to do to become a
10 member of your church?

11 MR. GREENE: Objection, asked and answered.

12 MR. BERRY: Join and irrelevant.

13 BY MR. MOXON:

14 Q. Answer?

15 A. Just so that we can move on, I will
16 repeat the answer.

17 Q. Okay.

18 A. Again.

19 Q. Okay.

20 A. They must agree that that is the
21 belief of the church, that is that when members are
22 together, God is present.

23 Q. And anyone who accepts that belief is
24 a member?

25 MR. GREENE: Objection, asked and answered.

1 MR. BERRY: Mischaracterizes his testimony.

2 MR. MOXON: I'm asking --

3 MR. GREENE: He just gave you the answer.

4 You asked him what does somebody do to --

5 MR. MOXON: Calm down, Mr. Greene.

6 MR. GREENE: I'm not going to calm down.

7 It's a waste of time. You're asking the same
8 question over and over and over again.

9 MS. BARTILSON: There are criteria before
10 one can claim the priest-penitent privilege that
11 your client has claimed. So let's let him ask a few
12 foundational questions and then we can move on.

13 MR. GREENE: He's being --

14 MS. BARTILSON: Your instruction is not
15 helping, Mr. Greene.

16 MR. MOXON: If we added up the number of
17 lines that we have all expended, Mr. Greene, yours
18 is going to far exceed everyone else's put together.

19 MR. GREENE: Great.

20 MR. BERRY: I think that he has an objection
21 and an instruction.

22 MR. GREENE: I'm not suggesting anything. I
23 am -- I just want to you to ask a decent question
24 and let's move on and don't ask the same questions
25 repeatedly.

1 MR. MOXON: Would you read back the pending
2 question, please?

3 MR. GREENE: The pending question is what
4 does somebody have to do to become a member of the
5 church.

6 MS. BARTILSON: No, that is not the pending
7 questioning. There was one after that.

8 (Record read.)

9 MR. MOXON: Okay.

10 MS. BARTILSON: There was another.

11 THE WITNESS: The question was -- what's the
12 second question?

13 MR. MOXON: I'll ask another question.

14 Q. As long as someone believes in your
15 basic belief, are they automatically a member of
16 your church?

17 MR. BERRY: Objection, mischaracterizes his
18 testimony. Also irrelevant.

19 MR. GREENE: Vague and ambiguous. Calls for
20 speculation.

21 MR. BERRY: Join.

22 THE WITNESS: Also not understandable so
23 therefore I cannot answer it.

24 BY MR. MOXON:

25 Q. If someone accepts the basic belief,

1 are they automatically a member of your church?

2 MR. GREENE: Same objection.

3 MR. BERRY: Join.

4 THE WITNESS: I don't know what you mean by
5 automatically.

6 BY MR. MOXON:

7 Q. By virtue of acceptance of the belief
8 of your church, does one become a member?

9 MR. BERRY: Objection, vague and ambiguous,
10 unintelligible, confusing.

11 BY MR. MOXON:

12 Q. Answer?

13 A. Perhaps I can help you out here.

14 Q. No, answer my question. That'll help
15 me out.

16 A. Your question doesn't make any sense
17 because you refuse to understand.

18 Q. Well, I'm trying to understand. The
19 best way for me to understand is for you to answer
20 my questions. You answer my questions and
21 eventually we'll come to an understanding and the
22 court can come to an understanding too.

23 A. I believe you must ask questions that
24 must make some sense.

25 Q. Well, tell me how one becomes a

1 member of the church then?

2 A. Okay. I'll do that.

3 Q. All right.

4 A. And this is the third time.

5 MR. GREENE: And the last.

6 THE WITNESS: Or fourth, but I'll do it
7 again because you do have difficulty understanding
8 it.

9 BY MR. MOXON:

10 Q. I certainly do.

11 A. I'll make this --

12 MR. GREENE: Just give him the answer
13 please.

14 THE WITNESS: They simply agree that the
15 belief is the belief.

16 BY MR. MOXON:

17 Q. There are no other criteria; correct?

18 A. Correct.

19 Q. With whom do they agree?

20 MR. BERRY: Objection, relevancy.

21 MR. GREENE: Objection. And it
22 mischaracterizes his testimony.

23 MR. BERRY: Also vague and ambiguous.

24 THE WITNESS: The question does make no
25 sense whatsoever.

1 BY MR. MOXON:

2 Q. So they just -- if a person accepts
3 in his own mind that belief, are they a member of
4 the church?

5 A. They --

6 MR. BERRY: Objection, relevancy.

7 THE WITNESS: They clearly can.

8 BY MR. MOXON:

9 Q. They can be, but not necessarily?

10 A. You have constructed something in
11 your mind which does not fit with reality, so your
12 question becomes unintelligible.

13 Q. Answer my question. By such
14 acceptance you're not necessarily a member?

15 MR. BERRY: Objection, relevancy.

16 THE WITNESS: You're dealing with a
17 hypothetical.

18 BY MR. MOXON:

19 Q. Answer?

20 A. Your question doesn't make sense.

21 Q. Well, you said they could be, but
22 they might not be. I'm trying to find out.

23 A. Is that not enough?

24 Q. No, it's not.

25 A. Okay. You don't like the answer, I

1 can't help you with that.

2 Q. You can help me by clarifying it.

3 Does that mean that by acceptance one doesn't
4 necessarily become a member of your church?

5 MR. BERRY: Objection, relevancy.

6 MR. GREENE: Also calls for speculation.

7 BY MR. MOXON:

8 Q. Answer?

9 A. I don't understand the question.

10 Q. Can one accept the basic belief and
11 still not be a member of your church?

12 MR. BERRY: Objection, ambiguous.

13 MR. GREENE: Calls for speculation.

14 MR. BERRY: And irrelevant.

15 BY MR. MOXON:

16 Q. Answer?

17 MR. BERRY: And vague as to what?

18 THE WITNESS: And I'm not sure what you
19 mean.

20 BY MR. MOXON:

21 Q. Well, let me explain it this way. As
22 I understand your testimony, and correct me if I'm
23 wrong, when one accepts the basic belief, then one
24 can become a member; is that correct?

25 A. No.

1 MR. GREENE: Objection, asking him to
2 comment on his own testimony. That's been asked and
3 answered.

4 MR. MOXON: That's a new objection. Asking
5 someone to comment on their own testimony is some
6 kind of testimonial objection? Okay.

7 MS. BARTILSON: This is a great trial
8 expense.

9 MR. BERRY: It certainly mischaracterizes
10 the testimony.

11 BY MR. MOXON:

12 Q. Well, if the court reporter accepts
13 the basic belief that one becomes a member of the
14 church by accepting such belief, does that make her
15 a member?

16 MR. BERRY: Objection, relevancy both to
17 this litigation and to the foundational aspect on
18 the priest-penitent privilege.

19 BY MR. MOXON:

20 Q. Answer?

21 MR. GREENE: Join.

22 THE WITNESS: The church has one belief, it
23 has one corollary and there's the obvious. If the
24 court reporter agrees that that is the belief of the
25 church, that is sufficient. She may be a member of

1 the church.

2 BY MR. MOXON:

3 Q. Are there any specific practices in
4 your church?

5 MR. BERRY: Objection, relevancy to both
6 this litigation and foundational aspects of the
7 privilege.

8 BY MR. MOXON:

9 Q. Answer?

10 MR. GREENE: First Amendment and privacy.

11 THE WITNESS: I have answered that
12 previously and that is that the practice and
13 function is forgiveness.

14 BY MR. MOXON:

15 Q. Other than forgiveness, is there any
16 practice of your church?

17 MR. BERRY: Objection, relevancy.

18 THE WITNESS: I don't know what you mean by
19 other than forgiveness?

20 MR. GREENE: Objection, vague and ambiguous.
21 Just rephrase the question.

22 BY MR. MOXON:

23 Q. Is forgiveness a practice --

24 MR. GREENE: Objection.

25 BY MR. MOXON:

1 Q. -- in your church?

2 MR. GREENE: Objection, asked and answered.

3 Don't answer that again.

4 THE WITNESS: I refuse to answer.

5 BY MR. MOXON:

6 Q. I'm a little confused, Mr. Armstrong.

7 A. I know that.

8 Q. If you could help me out, I'd really
9 appreciate it.

10 A. Okay.

11 Q. I don't know whether or not your
12 church has any practices as the world understands
13 religious practices generally to be?

14 MR. GREENE: Objection, vague and ambiguous.

15 MR. MOXON: Excuse me, Mr. Greene. I didn't
16 ask a question yet. Chill out.

17 Q. I'm trying to understand your church
18 by virtue of my understanding of a number of other
19 religions that have been in the world for a long
20 time and presently exist. I'm asking you these
21 questions to aid my understanding and the Court's
22 understanding because they'll only understand by
23 what you and I tell the Court.

24 A. I disagree with that. I think that
25 the --

1 MR. GREENE: That's -- no, hold on
2 Mr. Armstrong. There's no question. You don't need
3 to get into any kind of philosophical debate or
4 discussion.

5 BY MR. MOXON:

6 Q. So my question is first,
7 foundationally, do you understand the term religious
8 practices as used in other religions?

9 MR. GREENE: Objection.

10 MR. BERRY: Vague.

11 MR. GREENE: Calls for speculation. It's
12 vague, there's no foundation.

13 BY MR. MOXON:

14 Q. Do you understand what I mean by the
15 term religious practices as used in other religions?

16 MR. GREENE: Objection.

17 MR. BERRY: Vague and ambiguous, relevant --
18 irrelevant.

19 MR. GREENE: Which -- oh, come on. Jesus.

20 BY MR. MOXON:

21 Q. This is foundational and I'm going to
22 ask you about your church.

23 A. I understand the term religious
24 practice.

25 Q. Okay. Is --

1 A. But not as you understand it. So
2 don't leap off with this assumption.

3 Q. Well, tell me what your understanding
4 is of religious practice?

5 A. Forgiveness.

6 Q. So is forgiveness then a religious
7 practice of your church?

8 MR. GREENE: Objection. That's been asked
9 and answered. Don't answer that question again.

10 MR. BERRY: It's also irrelevant.

11 MR. GREENE: And it's argumentative. Don't
12 answer the question. Just tell him, "I'm not going
13 to answer the question."

14 THE WITNESS: That's correct. I'm not going
15 to answer.

16 BY MR. MOXON:

17 Q. All right. Are there any practices
18 in your church?

19 MR. GREENE: Objection, that's asked and
20 answered and it's argumentative. It's badgering.
21 Don't answer that question.

22 MR. BERRY: Also irrelevant.

23 BY MR. MOXON:

24 Q. Answer.

25 A. (No audible response.)

1 Q. Answer?

2 A. The church has a belief, a corollary
3 and the obvious.

4 Q. Okay.

A. And to me, all of that is obvious.

6 It is obvious to me that it is not obvious to you.

7 Nevertheless, that is what the church is about.

8 Q. Are there any other -- are there any
9 practices that the church has in the sense of
10 something that's actually done physically? Any
11 physical practices?

I'll give you some examples. Like in some Christian churches, they have a communion ceremony, their marriage ceremonies, there's prayer. Those are things that are practices and you can see people doing it. You can walk into a Catholic church and see someone praying. You can see someone singing a hymn. Are there any physical practices in your church --

MR. BERRY: Objection, relevancy.

21 BY MR. MOXON:

22 O. -- as I've used that term?

23 MR. GREENE: Objection, vague and ambiguous,
24 compound.

THE WITNESS: So that you understand, the

1 answer is yes.

2 BY MR. MOXON:

3 Q. What are those practices, those
4 physical practices?

5 MR. BERRY: Objection, relevancy.

6 THE WITNESS: Whatever is said or done
7 between members of the church.

8 BY MR. MOXON:

9 Q. Okay. So if you and another member
10 of your church communicate with each other on any
11 subject, that is a practice of your church?

12 MR. BERRY: Objection relevancy.

13 THE WITNESS: The practice of the church,
14 and just so we're really very clear where this term
15 practice came from, that originated in my specific
16 relationship with others and what was my practice
17 and my function.

18 So what we are talking about here is my
19 practice and my function regarding the church and
20 regarding its members globally. It has a belief, it
21 has a corollary and there's the obvious.

22 BY MR. MOXON:

23 Q. Is every communication between
24 yourself and another member of your church a
25 practice of your church?

1 A. I've told you.

2 MR. BERRY: Objection, calls for privileged
3 communications.

4 BY MR. MOXON:

5 Q. Yes or no?

6 MR. BERRY: Also irrelevant.

7 THE WITNESS: The practice is forgiveness.

8 BY MR. MOXON:

9 Q. Is there any activity, any -- excuse
10 me, is any communication between yourself and
11 another member of your church a practice of your
12 church?

13 A. It is sacred.

14 Q. Is any communication between yourself
15 and another member of your church a practice of your
16 church?

17 MR. BERRY: Objection, vague, compound and
18 ambiguous. Irrelevant.

19 MR. GREENE: Join.

20 THE WITNESS: The practice is forgiveness.
21 Anything that is said or done between members of the
22 church is sacred.

23 BY MR. MOXON:

24 Q. Absolutely anything?

25 MR. BERRY: Objection argumentative.

1 MR. GREENE: Join in that.

2 BY MR. MOXON:

3 Q. Without limitation?

4 A. As I have -- I have explained --

5 MR. GREENE: Objection.

6 MR. BERRY: Relevancy.

7 THE WITNESS: As I have explained to you and
8 put in a declaration, it is qualified where matters
9 of safety, courtesy, wisdom, or its opposite,
10 stupidity enters in, then those are addressed.

11 BY MR. MOXON:

12 Q. Those aren't part of your practices?

13 MR. GREENE: Objection, vague and ambiguous.

14 MR. BERRY: Also argumentative.

15 THE WITNESS: That is part of my practice.

16 BY MR. MOXON:

17 Q. What is?

18 A. What I just explained to you.

19 MR. GREENE: What he just said.

20 BY MR. MOXON:

21 Q. So, if you're doing something unsafe,
22 that is not a part of your practice?

23 MR. GREENE: Objection.

24 MR. BERRY: Objection. Vague and ambiguous,
25 irrelevant, asked and answered.

1 MR. GREENE: No foundation.

2 THE WITNESS: You misstate what I stated.

3 BY MR. MOXON:

4 Q. Yes. I'm just trying --

5 A. You mischaracterize.

6 Q. I'm just trying to understand.

7 A. No, you're not trying to understand.

8 You're trying to harass.

9 MR. GREENE: Just -- don't. Just answer the
10 question, okay? Don't argue, just answer the
11 questions. Don't argue.

12 BY MR. MOXON:

13 Q. That's the best instruction we've
14 had.

15 Please answer. My questions are quite
16 simple. If you answer them, it will move along and
17 you can go back to do what you do.

18 MR. BERRY: Some of them call for privileged
19 communication.

20 MS. BARTILSON: None of them have in the
21 last 45 minutes.

22 MR. MOXON: Well, we'll find out about that.

23 MR. GREENE: Great.

24 MR. MOXON: We'll let the Judge find out,
25 won't we, and we'll have a good 'ol time. It seems

1 to be so funny.

2 Q. Is every communication between
3 yourself and another church member a practice of
4 your church?

5 A. I'll repeat it one more time.

6 MR. BERRY: Objection, relevancy.

7 BY MR. MOXON:

8 Q. Yes or no is all I need now.

9 A. Your question doesn't make any sense.
10 I've stated many times that it has a belief, a
11 corollary and the obvious. My practice and my
12 function is forgiveness.

13 Now, I notice that during the time that I'm
14 answering this question, counsel has gone off and
15 chosen to engage himself in a communication with his
16 associate counsel, totally ignoring my answer. I
17 consider that very rude. It does not make this
18 deposition go any more smoothly. It does not make
19 me more --

20 MS. BARTILSON: Are you making a speech,
21 Mr. Armstrong, instead of answering the question?
22 Go ahead. Go ahead. I'm sorry. You're entitled to
23 make a speech.

24 MR. BERRY: Are we double teaming here?

25 BY MR. MOXON:

1 Q. Have you ever shared any alcohol with
2 Joseph Yanny?

3 MR. BERRY: Objection, relevancy.

4 BY MR. MOXON:

5 Q. That is, have you ever gone drinking
6 with him and spoken to him over a beer or something
7 like that?

8 MR. GREENE: You can answer that question.

9 THE WITNESS: I think there have been times
10 in a setting like that.

11 BY MR. MOXON:

12 Q. During that communication with
13 Mr. Yanny, in that setting, was that part of your
14 religious practice?

15 MR. GREENE: Objection.

16 MR. BERRY: Mischaracterizes his testimony.

17 MR. GREENE: It's also vague as to time.
18 Don't answer that question.

19 MR. BERRY: And it's irrelevant.

20 BY MR. MOXON:

21 Q. Answer?

22 A. No, I won't answer that.

23 Q. You refuse?

24 A. Yes.

25 Q. What basis?

1 MR. GREENE: I just instructed him not to
2 answer on the basis that it is vague as to time.
3 Clean it up and I think you can get an answer.

4 BY MR. MOXON:

5 Q. You have the time in mind when you
6 were sitting with Yanny having some alcohol
7 together, Mr. Armstrong?

8 A. No, I don't have a specific time.

9 MR. BERRY: Does it have to be alcohol?

10 BY MR. MOXON:

11 Q. You don't know? You don't recall any
12 specific time now?

13 A. Nothing comes to mind.

14 Q. So you want to change your testimony?
15 Have you had such a meeting or not; yes or no?

16 MR. GREENE: Objection. That's
17 argumentative.

18 BY MR. MOXON:

19 Q. No, I want to know which. We seem to
20 have conflicting testimony.

21 What I want to know -- just calm down. Let
22 me finish my question and then you can make any
23 objection you want, Mr. Greene, okay? Just calm
24 down.

25 Do you remember any specific time when you

1 and Mr. Yanny were sitting down drinking together;
2 yes or no?

3 MR. BERRY: Objection, right of privacy as
4 to drinking.

5 MR. GREENE: You can answer that question.

6 THE WITNESS: I'm trying to think of a time.

7 MR. GREENE: If you can't recall, tell him
8 you can't recall.

9 THE WITNESS: No, no specific time comes to
10 mind.

11 BY MR. MOXON:

12 Q. Do you remember a time when you
13 talked to Joseph Yanny specifically?

14 A. I recall talking to Joseph Yanny.

15 Q. Has every communication you ever had
16 with Joseph Yanny been part of the religious
17 practice of your church?

18 MR. BERRY: Objection, mischaracterizes his
19 testimony.

20 MR. MOXON: It's a question.

21 MS. BARTILSON: There's no testimony to
22 mischaracterize. Surely you can think of something
23 better than that.

24 MR. BERRY: Give me time.

25 THE WITNESS: I -- you --

1 MR. GREENE: Wait, wait, wait. Just, if you
2 just give a direct response, just respond. Don't
3 argue. If you don't understand the question, make
4 him repeat the question, but give a direct response.

5 THE WITNESS: Yes. Again, regarding the
6 subject of practice, you have mischaracterized
7 whatever I've said about that.

8 BY MR. MOXON:

9 Q. Okay. So I take it, then, the answer
10 would be no, every communication you ever had with
11 Joseph Yanny is not part of your religious practice?

12 A. No. You're mischaracterizing what I
13 said.

14 MR. GREENE: Wait a minute. Just answer the
15 question. Don't fight with Mr. Moxon. Just answer
16 the question. He can -- it does call for a yes or
17 no answer and you can answer it.

18 THE WITNESS: All the communications between
19 Mr. Yanny and myself are sacred.

20 BY MR. MOXON:

21 Q. Do you remember when you were driving
22 to the Court of Appeals with Mr. Yanny and Toby
23 Plevin?

24 MR. BERRY: Objection, no foundation.

25 BY MR. MOXON:

1 Q. Do you remember that incident?

2 MR. GREENE: Wait. Objection, no foundation
3 and vague as to time. Don't answer the question
4 until he cleans up the time.

5 BY MR. MOXON:

6 Q. Do you remember the time when you and
7 Yanny were driving to the Court of Appeals together
8 with Toby Plevin?

9 A. Yes.

10 Q. Good. Was that a sacred conversation
11 you were having with Yanny in the car?

12 A. Whatever was said between Mr. Yanny
13 and myself was sacred.

14 Q. Was Toby Plevin a member of your
15 church when the conversation began?

16 MR. BERRY: Clarify something.

17 THE WITNESS: I can't answer that.

18 MR. BERRY: When was this, Counsel? Do you
19 have a date in mind?

20 BY MR. MOXON:

21 Q. Is Toby Plevin a member of your
22 church now?

23 A. I can't answer that.

24 Q. You don't know?

25 A. Right.

1 MR. BERRY: Objection, relevancy.

2 BY MR. MOXON:

3 Q. When you're talking -- when you were
4 talking to Joseph Yanny about what happened during
5 the original arrangement at the Court of Appeals, is
6 that a sacred conversation?

7 MR. BERRY: Objection, lacks foundation.
8 There's been no testimony to that. Calls for
9 privileged communication.

10 MR. MOXON: Why don't you read the prior
11 deposition, Mr. Berry?

12 MR. BERRY: Also it calls for privileged
13 communication, attorney work product privilege.

14 BY MR. MOXON:

15 Q. Answer?

16 A. Communications between Mr. Yanny and
17 myself are sacred.

18 Q. Have you ever talked to Mr. Yanny
19 about sports? The Lakers, the Dodgers, some
20 football team, any basketball team?

21 MR. GREENE: Objection, irrelevant, not
22 calculated to lead to the discovery of admissible
23 evidence.

24 BY MR. MOXON:

25 Q. Answer?

1 MR. BERRY: Join.

2 THE WITNESS: Communications between
3 Mr. Yanny and myself are sacred.

4 BY MR. MOXON:

5 Q. Answer my question?

6 A. I've answered it.

7 Q. You refuse to tell me whether or not
8 you have ever spoken to Mr. Yanny about sports?

9 A. Right.

10 Q. Have you ever spoken to Mr. Yanny
11 about what food you should eat?

12 MR. GREENE: Objection, irrelevant.

13 MR. BERRY: Join.

14 THE WITNESS: The answer -- my answer is the
15 same as my answer for the last question.

16 BY MR. MOXON:

17 Q. You refuse to answer?

18 A. Right.

19 Q. Have you ever spoken to Mr. Yanny
20 about when there is a court appearance or when there
21 is a deposition?

22 MR. BERRY: Objection, calls for privileged
23 communication, attorney work product privilege.

24 MR. GREENE: It's also vague as to time.
25 Don't answer the question.

1 BY MR. MOXON:

2 Q. Answer?

3 MR. BERRY: There's an instruction.

4 MR. GREENE: Just say, "I'm not going to
5 answer the question."

6 THE WITNESS: In addition to that, I've
7 already answered it. Your deposition, the prior
8 deposition contains that information.

9 BY MR. MOXON:

10 Q. So you, so as a foundational matter,
11 you recall giving prior testimony about speaking to
12 Mr. Yanny about the fact that you were going to be
13 deposed in this case; is that right?

14 A. Correct.

15 Q. All right. Was that a sacred
16 communication?

17 A. Yes.

18 MR. BERRY: Objection, also calls for
19 attorney work product privilege and information.

20 BY MR. MOXON:

21 Q. I don't think there's much point
22 making an objection after the question's been
23 answered, Mr. Berry. But if you want to talk on the
24 record, I guess.

25 MS. BARTILSON: It's keeping him awake.

1 BY MR. MOXON:

2 Q. Do you remember the time that you and
3 Yanny and I met in the courthouse?

4 MR. GREENE: Objection that's been asked and
5 answered. Don't answer.

6 MR. MOXON: It's a foundational question,
7 Greene.

8 MR. GREENE: You can call me Mr. Greene,
9 Mr. Moxon, or otherwise we're going to walk.

10 BY MR. MOXON:

11 Q. Answer?

12 MR. BERRY: Objection, vague as to time.

13 MR. GREENE: I'm telling you don't answer
14 that question. It's been asked and answered.

15 BY MR. MOXON:

16 Q. Answer?

17 A. I'm going to follow my attorney's
18 instructions.

19 Q. During the conversation that you,
20 Yanny and I had in the courthouse, was that a sacred
21 communication?

22 MR. BERRY: Objection, vague as to time.

23 THE WITNESS: Yes.

24 BY MR. MOXON:

25 Q. Was the conversation that you and I

1 had in Mr. Yanny's presence sacred?

2 A. Yes.

3 Q. Is every conversation you have with
4 any person in Mr. Yanny's presence sacred?

5 A. It can be.

6 Q. Is this conversation we're having
7 right now sacred?

8 A. It could be.

9 Q. Is it?

10 A. It is.

11 Q. What makes it sacred, according to
12 the practices of your church?

13 MR. BERRY: Objection, relevancy.

14 THE WITNESS: If you understood who you were
15 and what you were, you would understand sacredness.

16 BY MR. MOXON:

17 Q. What makes it sacred?

18 A. Because of who we are.

19 MR. GREENE: Objection irrelevant.

20 BY MR. MOXON:

21 Q. Is Barry Van Sickle a member of your
22 church?

23 MR. BERRY: Objection relevancy.

24 MR. GREENE: Also --

25 MR. BERRY: Also asked and answered long

1 ago.

2 MR. GREENE: And associational privacy.

3 BY MR. MOXON:

4 Q. Is Cummins and White?

5 MR. BERRY: Objection, relevance.

6 THE WITNESS: I won't answer.

7 BY MR. MOXON:

8 Q. Answer?

9 A. I won't answer.

10 MS. BARTILSON: That's protected.

11 MR. BERRY: Off the record.

12 (Discussion was held off the record.)

13 BY MR. MOXON:

14 Q. Did you ever talk to Joe Yanny about
15 Vicki Aznaran's relationship with the Church of
16 Scientology?

17 MR. BERRY: Objection, calls for privileged
18 communication.

19 MR. GREENE: In addition to that, it calls
20 for attorney work product. Don't answer that
21 question.

22 BY MR. MOXON:

23 Q. Answer please?

24 A. I'm sorry, I won't answer.

25 Q. Did you ever have any communication

1 with Joseph Yanny about his own relationship with
2 the Church of Scientology?

3 A. Same thing.

4 Q. You refuse to answer?

5 A. Right.

6 Q. Did Joseph Yanny ever mention to you
7 that he was provided some form of counseling by Bent
8 Corydon?

9 MR. BERRY: Objection, calls for privileged
10 communications, including the attorney work product
11 privilege.

12 BY MR. MOXON:

13 Q. Answer?

14 A. His communications to me are
15 privileged.

16 Q. Answer?

17 A. I won't answer.

18 Q. Did this subject ever come up between
19 you and Yanny?

20 A. I won't answer.

21 MS. BARTILSON: Is this on advice of counsel
22 that you're not answering? We should clarify for
23 the record.

24 THE WITNESS: It is, because --

25 MR. BERRY: Well, on behalf of Mr. Yanny,

1 I'm asserting certain privileges which he and I
2 hold, which is one of -- which is the attorney work
3 product privilege.

4 MS. BARTILSON: All right. That part's
5 clarified, thank you.

6 MR. BERRY: But I have given no instructions
7 not to answer.

8 BY MR. MOXON:

9 Q. Did you ever have any -- by the way,
10 is Mr. Berry here your lawyer?

11 MR. GREENE: No, I am.

12 BY MR. MOXON:

13 Q. Mr. Armstrong?

14 MR. BERRY: Well, if I am, it's news to me.

15 BY MR. MOXON:

16 Q. Answer?

17 A. No.

18 MR. MOXON: Thank you, Mr. Berry, for
19 clarifying that for the witness because he is having
20 a little trouble answering.

21 THE WITNESS: No, he wasn't.

22 BY MR. MOXON:

23 Q. Did you ever have any communications
24 with Mr. Yanny about scientology?

25 MR. GREENE: Objection, vague as to time.

1 MR. BERRY: Also calls for privileged
2 communication and attorney work product privilege.

3 BY MR. MOXON:

4 Q. Answer? I said ever before,
5 including this court order for Mr. Yanny to gather
6 evidence in his defense in this case?

7 A. (No audible response.)

8 Q. Answer?

9 A. Mr. Yanny's communications to me I
10 consider privileged.

11 Q. You refuse to answer?

12 A. Yes.

13 MR. MOXON: We'll take a break for a minute.
14 (Short recess was taken.)

15 BY MR. MOXON:

16 Q. Mr. Armstrong, what literary matters
17 is Joseph Yanny representing you on?

18 MR. GREENE: Objection, attorney-client
19 privilege. Don't answer that question.

20 BY MR. MOXON:

21 Q. Answer?

22 MR. BERRY: Join.

23 THE WITNESS: No, I refuse to answer.

24 BY MR. MOXON:

25 Q. What artistic matters is Yanny

1 representing you on, if any?

2 MR. BERRY: Objection.

3 MR. GREENE: Same objection.

4 MR. BERRY: Plus it lacks foundation.

5 MR. GREENE: And relevancy.

6 BY MR. MOXON:

7 Q. Answer?

8 A. Same thing. I won't answer.

9 Q. Is Yanny representing you in any
10 artistic matters?

11 MR. GREENE: Objection, asked and answered.

12 BY MR. MOXON:

13 Q. Answer?

14 A. Yes. This has been fully answered in
15 the last day's deposition.

16 Q. Do you refuse to answer?

17 A. Other than that, I repeat everything
18 that I said at that time now.

19 Q. Did you ever have any discussions
20 with Joseph Yanny when he asked you to give him
21 counseling and then you talked about legal matters?

22 MR. BERRY: Objection, calls for privileged
23 communications by the attorney work product and the
24 priest penitent.

25 MR. GREENE: Yes, I'll join in that and

1 instruct the witness not to answer. It's also a
2 compound question.

3 BY MR. MOXON:

4 Q. Answer?

5 A. I'll follow my attorney's
6 instructions.

7 Q. Do you know if Joseph Yanny uses
8 drugs?

9 MR. BERRY: Objection.

10 MR. GREENE: Irrelevant, also Fifth
11 Amendment privilege. Don't answer that question.

12 THE WITNESS: I'll follow my attorney's
13 instructions and won't answer ever.

14 MR. MOXON: Okay. We're going to seek a
15 Motion to Compel and for sanctions. We will see you
16 in court.

17 MR. BERRY: Okay.

18 THE WITNESS: Do you -- now that I'm here,
19 do you -- does he want to take my deposition?

20 MR. MOXON: We're not done yet with your
21 deposition.

22 (Short discussion was held off the record.)

23 MR. MOXON: The witness did not order a copy
24 of the transcript so we don't have a dispute of
25 that.

1 THE WITNESS: You should probably --

2 MR. MOXON: Let's put a stipulation on how
3 to deal with that later. Before you do --

4 MR. GREENE: Let's figure out what it is.

5 (Short discussion was held off the record.)

6 MR. MOXON: The stipulation is that the
7 original will come to Bowles and Moxon and it will
8 be maintained in our custody for any purposes of
9 trial. A certified copy will be sent to Mr. Greene
10 for the witness to review and make any changes he
11 deems appropriate. If no changes are made within 30
12 days, it will be sent back to the court reporter.
13 It will be deemed final for all purposes. We will
14 expedite the transcript.

15 In the mean time, we do plan to use it in
16 our Motion to Compel prior to the time Mr. Armstrong
17 makes any changes, if any.

18 MR. GREENE: Okay, thank you. Fine.

19 MR. MOXON: And you're not ordering your own
20 copy of the transcript?

21 MR. GREENE: No, that's correct.

22 (Deposition was adjourned at 12:50 p.m.)

23

24

25

1 STATE OF CALIFORNIA)
2 COUNTY OF MARIN)
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6

I, the undersigned, declare under penalty
of perjury that I have read the foregoing
transcript, and I have made any corrections,
additions, or deletions that I was desirous of
making; that the foregoing is a true and correct
transcript of my testimony contained therein.

12 EXECUTED this _____ day of _____,
13 1992, at _____, California.
14 (City)

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18 GERALD ARMSTRONG
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1 REPORTER'S CERTIFICATE
2
3

4 I, SHEENAGH M. CARLSON, CSR NO. 8350,

5 Certified Shorthand Reporter, certify:

6 That the foregoing proceedings were taken
7 before me at the time and place therein set forth,
8 at which time the witness was put under oath by me;9 That the testimony of the witness and all
10 objections made at the time of the examination were
11 recorded stenographically by me and were thereafter
12 transcribed;13 That the foregoing is a true and correct
14 transcript of my shorthand notes so taken.15 I further certify that I am not a
16 relative or employee of any attorney of any of the
17 parties nor financially interested in the action.18 Dated this Saturday, February 8, 1992
19
20

21



22

23 Certified Shorthand Reporter
24
25